

Serial No. 10/536,488
Declaration dated
Reply to Final Office Action of August 21, 2009

Docket No. 1004334.003US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Toshimichi MORIKOSHI

Group Art Unit: 1651

Serial No.: 10/536,488

Examiner: Deborah K. WARE

Filed: November 14, 2005

Confirmation: 2198

For: β -1,4-MANNOBIOSE-CONTAINING COMPOSITION

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Declaration under 37 C.F.R. §1.132 by Mr. Futoshi Yokomizo in the above-identified application.

I, the undersigned, Futoshi Yokomizo, declare and state that:

1. I am an employee of the Fuji Oil Co., Ltd. of Osaka, Japan, an assignee of the subject patent application having serial no. 10/536,488 and the cited, as prior art, U.S. Patent No. 6,896,918, of which I am an inventor.
2. My education and professional experience as an expert in the area of Food Science are set forth on the attached copy of my *Curriculum Vitae*.

3. I have read and understand U.S. Patent Application Serial No. 10/536,488, entitled “ β -1,4-MANNOBIOSE-CONTAINING COMPOSITION,” and I submit this Declaration in its support.

4. I have read and understand the August 21, 2009 Final Official Action issued in the above-identified case.

5. I have read and understand the publication of U.S. Patent No. 6,896,918 to Yokomizo, et al. ('918 patent), of which I am the inventor, cited by the Examiner.

6. In particular, I understand that in the August 21, 2009 Final Official Action, the Examiner rejected claims 10, 12, 15, 16, 18, and 19, alleging that the claims, drawn to a method of using a β -1,4-mannobiose-containing composition that inhibit the colonization of *salmonella* in livestock and poultry, are anticipated by the '918 patent drawn to a method of producing a mannose-containing palm kernel meal. As a person skilled in the art and as the inventor of the '918 patent, I respectfully disagree with this rejection.

7. The instant invention describes a method of using a β -1,4-mannobiose-containing composition in blended feeds to inhibit the colonization of *Salmonella* in livestock and poultry wherein the β -1,4-mannobiose-containing composition is prepared by reacting of a mannan degrading enzyme and a mannan-containing natural material, and the amount of β -1,4-mannobiose is at least 3% by weight of the dry matter portion of the β -1,4-mannobiose-containing composition.

8. The '918 patent describes a mannose-containing palm kernel meal obtained by functioning a mannan degrading enzyme or acidic catalyst to palm kernel meal, which may be

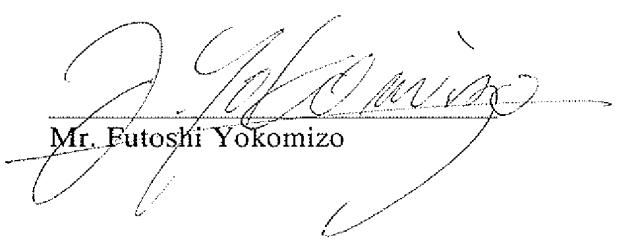
used as a feedstuff additive for preventing *Salmonella* infection. (col. 3; lns. 46-48). The '918 patent also describes that mannose or mannosides are generated with the amounts depending on the reaction time in the wet composition, (*Id.* at lns. 38-42), and the content of the mannose in the enzymatically treated palm kernel meal is preferably at 1-30 weight %. The '918 patent is, however, silent about the production and use of the β -1,4-mannobiose-containing compositions for prevention of *Salmonella* infection and, in particular, at least 3% by weight of β -1,4-mannobiose in the dry matter portion of the β -1,4-mannobiose-containing composition.

9. Thus, it is my experience and my opinion, as one skilled in the art of Food Science and the inventor of the '918 patent, that those skilled in the art could not and would not be able to tell by reading the '918 patent that the amount of β -1,4-mannobiose present in the enzymatically degraded palm kernel meal disclosed in the '918 patent is 3% or more by weight of the dry matter portion of the β -1,4-mannobiose-containing composition.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Respectfully submitted,

Date : Nov - 17th - 2009


Mr. Futoshi Yokomizo